

SAFE DRINKING WATER ACT (SDWA)

R6-9-16-A. Civil Judicial Enforcement Actions, Including Collection Actions

1. AUTHORITY.

- a. To cause civil judicial actions to be commenced or to intervene in suits commenced pursuant to the Safe Drinking Water Act (SDWA);
- b. to request the Attorney General to appear and represent the agency in any civil enforcement actions instituted under SDWA, including actions to collect unpaid penalties;
- c. to request the Attorney General to decline to prosecute a previously referred civil judicial action or cease prosecution of a previously filed civil judicial action;
- d. to appear and represent the agency in any SDWA action where the Attorney General has refused or failed to appear and represent the agency, exclusive of appeals.

2. TO WHOM DELEGATED.

- a. The authorities specified in 1.a – 1.c are delegated to the Director, Compliance Assurance and Enforcement Division.
- b. The authority specified in 1.d is retained by the Regional Administrator.

3. LIMITATIONS.

- a. The delegatee of the Regional Administrator must obtain the advance concurrence of the Regional Counsel, or designee, on the legal sufficiency of the action before exercising the authorities in 1.a – 1.c. The Regional Counsel, or designee, may waive concurrence in writing.
- b. The delegatee of the Regional Administrator must notify the Assistant Administrator for the Office of Enforcement and Compliance Assurance prior to exercising the authorities in 1.a and 1.c and when exercising the authority in 1.b. The Assistant Administrator for the Office of Enforcement and Compliance Assurance may waive the requirement for notification in writing.

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R6-9-16-A. Civil Judicial Enforcement Actions (Contd.)

4. REDELEGATION AUTHORITY.

- a. The authorities specified in 1.a -1.c may not be further redelegated.
- b. The authority specified in 1.d may be redelegated to the staff attorneys.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Memorandum of Understanding between the agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).
- b. Direct referral agreement memorialized in letter of September 29, 1983, from Alvin L. Alm, Deputy Administrator, to F. Henry Habicht, Assistant Attorney General, regarding direct referrals; Sections 1414, 1423, 1431 and 1450(f) of SDWA.
- c. For referrals of requests for emergency SDWA Temporary Restraining Orders, see chapter 9 Delegation entitled "Emergency TRO's."

- 6. **SUPERSESION.** This Regional Order supersedes Regional Order R6-9-16-A, dated August 7, 1995.

Delegation of Authority from the
Regional Administrator



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

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JAN 19 2017

MEMORANDUM

SUBJECT: Delegations of Authority

FROM: Gina McCarthy

TO: Matthew Fritz, Chief of Staff

On Wednesday, January 18, 2017, I signed a number of revisions to EPA Delegations of Authority. In anticipation of my signature on the revised delegations, and to make certain that there were no lapses in authority, many Regional Administrators and Assistant Administrators signed revised re-delegations consistent with my revisions on January 17, 2017. I hereby accept and ratify any such re-delegations as appropriate re-delegations of authority until otherwise revised or revoked. To the extent that any actions taken under the delegated or re-delegated authority described herein may require ratification, such action is hereby approved and ratified.